

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Grover L. Anderson,)	Case No. 6:19-cv-00093-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Greenville county School District,)	
)	
Defendants.)	
_____)	

This matter is before the Court on Plaintiff's Complaint alleging a claim for discrimination under the Americans with Disabilities Act. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation ("Report"). On January 17, 2019, the Magistrate Judge issued a Report recommending that Plaintiff's motion to proceed in forma pauperis be denied and his Complaint be dismissed without issuance of service of process because Plaintiff's claim is barred by the doctrine of res judicata. ECF No. 9. Plaintiff filed objections to the Report. ECF No. 13.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

In his objections, Plaintiff does not address the recommendations of the Magistrate Judge with respect to his motion to proceed in forma pauperis or his Complaint. Instead, he argues the merits of his claim against Defendant. Out of an abundance of caution for a pro se plaintiff, the Court has conducted a de novo review of the record in this case and the applicable law. Having done so, the Court agrees with the recommendations of the Magistrate Judge. Accordingly, the Court adopts the Report by reference in this Order. Plaintiff’s motion to proceed in forma pauperis [3] is **DENIED** and this action is **DISMISSED** without issuance of service of process.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

April 16, 2019
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.